

interface element from a picture created by an artist (1:35-41) or from a drawing created by a computer (1:42-45, 2:61-66), actions are defined for the captured pictures to create a graphical user interface element (2:1-5, 2:67-3:2, 5:13-28). Tani's teaching of picture created by an artist and then being displayed on a computer screen implies that the hard copy picture is scanned to be displayed on the computer screen."

Additionally, it is stated in the Office Action that "Tani fails to specifically teach using the created GUI element in the designing of a web page. However one of skill in the art would be readily recognized that web page design would have been an obvious field of use for the created GUI element since web page design requires the implementation of GUI elements for interaction."

For ready reference, column 1, lines 35 – 41 of Tani state:

In the development of such interactive run program based on graphical display, conventionally, a defined picture desired to be displayed on the screen is prepared and then the program part for causing the display of the same defined picture on the screen is created. For commercial run programs, such display design is often conducted by an art design specialist.

It is respectfully submitted that the teachings of Tani have been mischaracterized in the Office Action. Neither the cited passages of Tani nor any other passages in the reference teach or imply "creating a hard copy picture" and then "scanning the hard copy picture to be displayed on a computer screen," as alleged. Additionally, the terms "scan," "scanned" or "scanning" do not appear anywhere in Tani, and Tani does not contain a teaching or suggestion of creating a graphical user interface element by scanning a picture created by an artist.

Further, it is respectfully submitted that the disclosures of "a display design conducted by an art design specialist" and "creating a graphical user interface element from a drawing created by a computer" are not teachings or suggestions of the steps of "positioning at a desired location at least one tangible object representing at least one user interface element on a tangible background medium to create a desired web page appearance" and "generating a scanned image of the desired web page appearance."

Neither the teaching of a "display design conducted by an artist" nor the teaching of a "drawing created by a computer" are teachings or suggestions of positioning a tangible object representing a user interface element on a tangible background medium, and generating a scanned image of the resulting tangible combination.

It is also alleged in the Office Action that "implementation of creating of a hard copy of a picture and scan the picture to display on a computer screen is well known in the art and would have been obvious in light of Tani's teaching of generating computer picture (1:35-56)." However, it is respectfully submitted that even if "scanning a picture to display on a computer screen" is well known in the art, such "common knowledge" certainly does not anticipate or suggest the recited steps of: 1) positioning a tangible object representing a user interface element on a tangible background medium; and 2) generating a scanned image of the resulting tangible combination.

Additionally, while the cited passages (2:1-5, 2:67-3:2, 5:13-28) describe actions to create a graphical user interface element, it is respectfully submitted that these passages do not contain any teachings or suggestions that those actions are performed on "captured pictures," as alleged in the Office Action.

Further, the cited passages teach the following: 1) a designer draws a design on a display screen; 2) the designer specifies a displayed object with a display object specifying means; and, then 3) a programmer defines actions for the specified display object with the use of action defining means. In contrast, claim 1 recites executing a program of instructions using an information handling system, the program of instructions: identifying the at least one tangible object in the scanned image, creating at least one user interface element, and formatting an executable web page having the at least one user interface element positioned in correspondence with the positioning of the at least one tangible object on the tangible background medium so that the executable web page has the desired web page appearance. It is respectfully submitted that the disclosure of a "designer specifying" and a "programmer defining" is not a teaching of a program of instructions "identifying," "creating" and "formatting" as recited in claim 1. The specialized computer programming knowledge and experience for the creation of executable web pages is an issue that is addressed by the present invention

and described in the specification of instant application (see, e.g., paragraphs [0003] and [0021]).

Still further, the acknowledgement that "Tani fails to specifically teach using the created GUI element in the designing of a web page" is noted. It is respectfully pointed out that the claims recite "formatting an executable web page" as opposed to merely "designing a web page." Nevertheless, assuming that the rejection was intended to address the formatting or producing of a web page, as recited in the claims, it is submitted that the allegation that "one of skill in the art would have readily recognized that web page design [read as "formatting"] would have been an obvious field of use for the created GUI element ..." does not address the deficiencies of Tani, that were described above.

In conclusion, for the reasons set forth above, it is respectfully submitted that claim 1 is allowable over Tani.

Further, the remaining claims are allowable over Tani for at least the reasons provided in support of the patentability of claim 1, as follows:

claims 2, 3, 5, 6, 8 and 10 depend from claim 1;

claims 11 and 21 have been rejected together with, and on the same basis as, that provided in the rejection of claim 1;

claims 12, 13, 15, 16, 18 and 20 depend from claim 11; and

claims 22, 23, 26, 27 and 28 depend from claim 21.

In summary, it is respectfully submitted that the application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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